FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.2139 OF 2005
IN
WRIT PETITION NO.1881 OF 1995

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	Coram, : Court's or Judge's Orders : .

Mr. Y.N. Boijkar h/f. K.K. Malpathak for the applicant.

Mr. S.S. Deshmukh h/f. V.A. Thorat for the respondent.

CORAM: SMT. RANJANA DESAI, J.

DATED: 22ND AUGUST, 2005.

P.C.:-

Heard the learned counsel for the parties.

There is 1141 days delay in filing the civil application. It appears that the sole petitioner is dead and the petition has abated.

In the civil application, it is prayed that the delay of 1141 days be condoned, abatement of the petition be set aside and the applicant be brought on record as the legal heir and representative of the deceased

petitioner.

The learned counsel for the respondent strenuously opposes the application. He states that in the civil application, the delay is not explained.

In my opinion, though there is some substance in the contention of the learned counsel for the respondent, in the interest of justice, delay will have to be condoned and, abatement will have to be set aside on the condition that the applicant pays costs quantified at Rs.500/-. In the circumstances of the case, delay is condoned. Civil application is allowed on the condition that the applicant pays costs of Rs.500/-. Costs be paid to the Kirtikar Library, High Court, Mumbai, within four weeks from today. Office to allow the applicant to carry out necessary amendment to the petition after the costs are paid as directed.

Civil application is disposed of.

(SMT. RANJANA DESAI, J.)